

### REMARKS

Claims 1-13 were examined and reported in the Office Action. Claims 1, 8, 12 and 13 are rejected. Claims 1, 12 and 13 are amended. Claims 1-13 remain.

Applicants request reconsideration of the application in view of the following remarks.

**I. 35 U.S.C. § 102(e)**

A. It is asserted in the Office Action that claims 1 is rejected under 35 U.S.C. § 102(e), as being anticipated by U. S. Patent No. 6,925,067 issued to Jou ("Jou"). Applicant respectfully traverses the aforementioned rejection for the following reasons. According to MPEP §2131,

[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, *i.e.*, identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)).

Applicant's amended claim 1 contains the limitations of

[a]n apparatus comprising: an internal oscillating unit for generating an internal multicarrier; a plurality of frequency transition units for respectively down-converting the internal multicarrier generated by the internal oscillating unit and moving it to frequency of "0" as a frequency center; and a plurality of filtering units for individually filtering a respective carrier moved by the plurality of frequency transition units to the frequency center as the frequency of "0", through a low frequency pass band and for providing the respective carrier as an input to a rake receiver, wherein the apparatus operates to separate carriers of a multicarrier wireless communication receiver system, and operates to separate carriers from a received external multicarrier signal.

Jou discloses a method and device for transmitting broadcast information in a multicarrier system where a sync channel is sent over a single carrier, and preferred channels for the sync channel are specified instead of the preferred channels for the entire multicarrier. Jou does not teach or disclose separating out carriers from a multicarrier to reduce the number of quantizers. That is, Jou does not teach, disclose or suggest a device having

an internal oscillating unit for generating an internal multicarrier; a plurality of frequency transition units for respectively down-converting the internal multicarrier generated by the internal oscillating unit and moving it to frequency of "0" as a frequency center; and a plurality of filtering units for individually filtering a respective carrier moved by the plurality of frequency transition units to the frequency center as the frequency of "0", through a low frequency pass band and for providing the respective carrier as an input to a rake receiver, wherein the apparatus operates to separate carriers of a multicarrier wireless communication receiver system, and operates to separate carriers from a received external multicarrier signal.

Therefore, since Jou does not disclose, teach or suggest all of Applicant's amended claim 1 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(e) has not been adequately set forth relative to Jou. Thus, Applicant's amended claim 1 is not anticipated by Jou.

Accordingly, withdrawal of the 35 U.S.C. § 102(e) rejection for claim 1 is respectfully requested.

**B.** It is asserted in the Office Action that claims 12 and 13 are rejected under 35 U.S.C. § 102(e), as being anticipated by U. S. Patent No. 6,690,735 issued to Maddiotto et al ("Maddiotto"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

Applicant's amended claim 12 contains the limitations of

[a] method comprising: separating carriers of a multicarrier receiver system in a receiver of a wireless communication 3X by, using intact an existing 1X method for one carrier; and performing a down-conversion once more when the one

carrier neighboring two carriers are separated, to move the one carrier values to a center thereof and to perform a separation, in order to separate the carriers in the 3X receiver and gain information from the carriers, separation of each carrier from a multicarrier is executed after a quantization.

Maddiotto discloses a radio receiver for multicarrier signals, where a quadrature demodulator shifts the radio signal in a base band. In Maddiotto, base band equivocation is solved by numeric-type second orthogonal demodulators, which supply pairs of twice-demodulated signals that can be grouped. One network in the receiver measures amplitude and phase dissymmetries in the two branches of the analog demodulator and supplies four corresponding digital coefficients to the reconstruction network, which can then counterbalance at output the effects of dissymmetry. Maddiotto, however, does not teach, disclose or suggest separating out carriers from a multicarrier to reduce the number of quantizers. That is, Maddiotto does not teach, disclose or suggest a method including

separating carriers of a multicarrier receiver system in a receiver of a wireless communication 3X by, using intact an existing 1X method for one carrier; and performing a down-conversion once more when the one carrier neighboring two carriers are separated, to move the one carrier values to a center thereof and to perform a separation, in order to separate the carriers in the 3X receiver and gain information from the carriers, separation of each carrier from a multicarrier is executed after a quantization.

Therefore, since Maddiotto does not disclose, teach or suggest all of Applicant's amended claim 12, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(e) has not been adequately set forth relative to Maddiotto. Thus, Applicant's amended claim 12 is not anticipated by Maddiotto. Additionally, the claim that directly depends on claim 12, namely claim 13, is also not anticipated by Maddiotto for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 102(e) rejections for claims 12 and 13 are respectfully requested.

## II. 35 U.S.C. § 103(a)

A. It is asserted in the Office Action that claim 8 is rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Jou as applied to claim 1 above. Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2142

[t]o establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. (In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)).

Further, according to MPEP §2143.03, "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." "*All words in a claim must be considered* in judging the patentability of that claim against the prior art." (In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970), emphasis added.)

Applicant's claim 8 directly depends on amended claim 1. Applicant has addressed Jou regarding amended claim 1 above in section I(A). As asserted above, Jou does not teach, disclose or suggest a device having

an internal oscillating unit for generating an internal multicarrier; a plurality of frequency transition units for respectively down-converting the internal multicarrier generated by the internal oscillating unit and moving it to frequency of "0" as a frequency center; and a plurality of filtering units for individually filtering a respective carrier moved by the plurality of frequency transition units to the frequency center as the frequency of "0", through a low frequency pass band and for providing the respective carrier

as an input to a rake receiver, wherein the apparatus operates to separate carriers of a multicarrier wireless communication receiver system, and operates to separate carriers from a received external multicarrier signal.

Since Jou does not teach, disclose or suggest all the limitations of Applicant's amended claim 1, as listed above, Applicant's amended claim 1 is not obvious over Jou in view of no other prior art since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claim that directly depends from amended claim 1, namely claim 8, would also not be obvious over Jou in view of no other prior art for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection for claim 8 is respectfully requested.

### **III. Allowable Subject Matter**

Applicant notes with appreciation the Examiner's assertion that claims 2-7 and 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant respectfully asserts that claims 1-13, as they now stand, are allowable for the reasons given above.

### CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely 1-13, patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

Respectfully submitted,

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Dated: November 28, 2005

By: \_\_\_\_\_

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### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on November 28, 2005.

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Jean Svoboda